

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

SUMINTRA K. KHAN,)	
)	Civil Action File No.
Plaintiff,)	
)	
v.)	_____
)	
TARGET CORPORATION,)	<i>Removed from:</i>
)	State Court of Chatham County
)	Civil Action No. STCV21-01554
Defendant.)	

DEFENDANT TARGET CORPORATION’S PETITION FOR REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant Target Corporation (“Target”) hereby petitions this Court for removal of this action, Civil Action File No. STCV21-01554, currently pending in the State Court of Chatham County, Georgia, and shows this Honorable Court the following:

1.

This civil action was filed on August 13, 2021, by Plaintiff Sumintra K. Khan (hereinafter referred to as “Plaintiff”) in the State Court of Chatham County, Georgia, said county being part of the Southern District of Georgia, Savannah Division. 28 U.S.C. § 90(c)(3). The Savannah Division of this Court is the proper Division for this removal as further set forth below.

2.

The action is a civil action for personal bodily injuries and medical expenses, and this Court has subject matter jurisdiction by reason of the diversity of citizenship of the parties. See 28 U.S.C. § 1441; 28 U.S.C. § 1332; 28 U.S.C. § 1367.

3.

The amount in controversy exceeds \$75,000.00, the statutory minimum amount, exclusive of interest and costs, as evidenced by Plaintiff's responses to Defendant Target Corporation's First Request for Admissions to Plaintiff. This amount is evidenced in Plaintiff's responses to Admission numbers 1, 2, and 3 respectively. A true and correct copy of the Plaintiff's responses to Defendant's First Request for Admissions is attached hereto and incorporated herein by reference as Exhibit A.

4.

At the time of the commencement of this action in the State Court of Chatham County, upon information and belief, and according to Plaintiff's Complaint, Plaintiff was and is now a citizen of New Jersey.

5.

Target, at the time the action was commenced and at the present time, was and still is a corporation, incorporated and existing under and by virtue of the laws of

Minnesota, having its principal place of business in Minnesota, and is deemed to be a resident of Minnesota.

6.

The Plaintiff alleges in her Complaint that due to the negligence of Target, she slipped and fell due to what appeared to be water on the floor in Target's store located at 14065 Abercorn Street, Savannah, Georgia 31419 on August 15, 2019. [Complaint ¶ 5].

7.

True and correct copies of all process, pleadings, and orders served upon Target in this action are attached hereto collectively as Exhibit B.

8.

This civil action is based on a controversy between citizens of different states and as outlined above, the amount in controversy exceeds \$75,000.00. As such, this matter has become ripe for removal based on federal diversity jurisdiction.

9.

The instant *Petition for Removal* is being timely filed pursuant to and in accordance with 28 U.S.C. § 1446(b)(3), within thirty days of the service of

Plaintiff's Responses to Defendant's First Request for Admissions on Target, which service occurred on October 29, 2021.

10.

Further, the instant Petition is timely filed, pursuant to and in accordance with 28 U.S.C. § 1446(c)(1), within one year of the commencement of the action.

11.

Accordingly, this action, over which this Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332, is removable to the United States District Court for the Southern District of Georgia, pursuant to 28 U.S.C. § 1441.

12.

Venue is proper in the Savannah Division of the United States District Court for the Southern District of Georgia pursuant to 28 U.S.C. § 1332. Specifically, Plaintiff's Complaint was filed in the State Court of Chatham County, which is part of the Savannah Division, pursuant to 28 U.S.C. § 90(c)(3) and 28 U.S.C. § 1441.

13.

As required by 28 U.S.C. § 1446(d), Target shall give written notice hereof to all adverse parties and shall file a copy of this *Petition for Removal* with the Clerk of the State Court of Chatham County.

WHEREFORE, Target requests that this action be removed from the State Court of Chatham County and proceed in this Court.

Respectfully submitted the 12th day of November, 2021.

GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, LLP

By: /s/ Matthew G. Moffett
Matthew G. Moffett
Georgia Bar No. 515323
Sean T. Herald (Admission to U.S.
Southern District of Georgia
pending)
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CERTIFICATE OF SERVICE

This is to certify that I have this day served the ***Defendant Target Corporation's Petition for Removal*** upon all counsel of record by electronic mail and depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to:

J. Ross Massey, Esq.
Saif S. Ahmed, Esq.
SHUNNARAH INJURY LAWYERS, P.C.
1374 S. Milledge Avenue
Athens, Georgia 30605

The 12th day of November, 2021.

[Signature on Following Page]

/s/ **Matthew G. Moffett**

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Counsel for Target Corporation